

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : PATENT APPLICATION  
TELLER ET AL. : **METHOD AND APPARATUS FOR  
AUTO JOURNALING OF CONTINUOUS  
OR DISCRETE BODY STATES UTILIZING  
PHYSIOLOGICAL AND/OR CONTEXTUAL  
PARAMETERS**  
Serial No. 10/682,293 :  
Filed October 9, 2003 :

**INFORMATION DISCLOSURE STATEMENT**

Pittsburgh, Pennsylvania 15222

December 22, 2005

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. §§1.51, 1.56, 1.97 and 1.98, the art identified on attached form PTO-1449 enclosed herewith is cited in connection with the captioned application. The applicants hereby request the Examiner to review and make an independent evaluation of the art. By filing this Information Disclosure Statement, the

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

December 22, 2005  
Date of Deposit

Barry J. Friedman, Esq.  
Name of Person Signing

Signature

applicants are not admitting that any reference actually qualifies as prior art, and applicants reserve the right to argue that any reference does not qualify as prior art should they deem it necessary to do so. Copies of the following references are provided:

Health Hero Network, Inc., PCT Publication No. 00/11578

Strategic Product Development, PCT Publication No. 00/26882

Health Hero Network, Inc., PCT Publication No. 00/32098

Hadas, PCT Publication No. 00/51543

Stayhealthy.com, PCT Publication No. 00/52604

Health Hero Network, Inc., PCT Publication No. 01/08554

Health Hero Network, Inc., PCT Publication No. 01/26535

Health Hero Network, Inc., PCT Publication No. 01/26547

Health Hero Network, Inc., PCT Publication No. 01/28416

Health Hero Network, Inc., PCT Publication No. 01/39089

Health Hero Network, Inc., PCT Publication No. 01/52718

Health Hero Network, Inc., PCT Publication No. 01/56454

Health Hero Network, Inc., PCT Publication No. 01/82783

Health Hero Network, Inc., PCT Publication No. 01/82789

Health Hero Network, Inc., PCT Publication No. 01/89365

Health Hero Network, Inc., PCT Publication No. 01/89368

"Thermal Gap Fillers," Kent Young, February 6, 2001 (*article downloaded from [www.chomerics.com](http://www.chomerics.com)*)

THERM-A-GAP, Chomerics Technical Bulletin No. 70, February 6, 2001.

"CoolPoly, the Original Thermally Conductive Polymer," February 7, 2001 (*article downloaded from [www.coolpolymers.com](http://www.coolpolymers.com)*)

Micro-Foil Heat Flux Sensors, RdF Corporation Catalog No. HFS-A, March 1998.

Industrial Micro-Foil Heat Flux Sensor, RdF Corporation Datasheet No. HFS-B, October 1995.

Industrial/Commercial Micro-Foil Heat Flux Sensor, RdF Corporation Catalog No. HFS-C, December 1999.

Lightweight Ambulatory Physiological Monitoring System, Ames Research Center, Moffet Field, CA, May 22, 2002.

Weight Watchers TurnAround, Weight Watchers, 2004 (*downloaded from [www.weightwatchers.com](http://www.weightwatchers.com)*)

Weight Loss Programs, Jenny Craig, 2004 (*downloaded from [www.jennycraig.com](http://www.jennycraig.com)*)

The Complete Nutrition & Weight Management Solution Based on Your Unique Metabolic Fingerprint & Goals, BalanceLog, 2004 (*downloaded from [www.healthetech.com](http://www.healthetech.com)*)

What is FitDay?, FitDay, 2004 (*downloaded from [www.fitday.com](http://www.fitday.com)*)

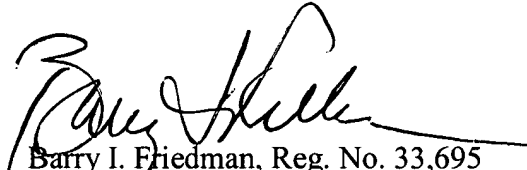
"A combined heart rate and movement sensor: proof of concept and preliminary testing study," K. Rennie, T. Rowsell, S.A. Jebb, D. Holburn & N.J. Wareham, 2000.

No fee is believed to be required in connection with the filing of this Information Disclosure Statement because it is being submitted prior to the mailing of a first office action on the merits in the above-captioned application.

Applicants believe that their METHOD AND APPARATUS FOR AUTO JOURNALING OF CONTINUOUS OR DISCRETE BODY STATES UTILIZING PHYSIOLOGICAL AND/OR CONTEXTUAL PARAMETERS as described and claimed in the present application is neither taught nor suggested by this art. Accordingly, applicants' invention is believed to be patentable over these references.

Respectfully submitted,

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(Use several sheets if necessary)

SERIAL NO. 10/682,293

Teller et al.

GROUP	3736
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		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
		01/39089	11/24/00	PCT				
		01/52718	1/19/01	PCT				
		01/56454	2/2/01	PCT				
		01/82783	4/30/01	PCT				
		01/82789	5/4/01	PCT				

			Weight Watchers TurnAround, Weight Watchers, 2004 (downloaded from <a href="http://www.weightwatchers.com">www.weightwatchers.com</a> )
			Weight Loss Programs, Jenny Craig, 2004 (downloaded from <a href="http://www.jennycraig.com">www.jennycraig.com</a> )
			The Complete Nutrition & Weight Management Solution Based on Your Unique Metabolic Fingerprint & Goals, BalanceLog, 2004 (downloaded from <a href="http://www.healthetech.com">www.healthetech.com</a> )

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

**INFORMATION DISCLOSURE CITATION***(Use several sheets if necessary)*

ATTY DOCKET NO.

1148/095

SERIAL NO.

10/682,293

Teller et al.

FILING

October 9, 2003

GROUP

3736

**U.S. PATENT DOCUMENTS**

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

**FOREIGN PATENT DOCUMENTS**

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	01/89365	5/24/01	PCT				
	01/89368	5/25/01	PCT				

**OTHER DOCUMENTS** *(Including Author, Title, Date, Pertinent Pages, Etc.)*

		What is FitDay?, FitDay, 2004 (downloaded from www.fitday.com)
		"A combined heart rate and movement sensor: proof of concept and preliminary testing study," K. Rennie, T. Rowsell, S.A. Jebb, D. Holburn & N.J. Wareham, 2000.

EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.